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| APPLICATION NO.                         | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/007,838                              | 11/08/2001  | Orazio Pater         | 1330/4              | 7630             |
| 45209                                   | 7590        | 07/19/2006           | EXAMINER            |                  |
| INTEL/BLAKELY                           |             |                      | GRAHAM, CLEMENT B   |                  |
| 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR |             |                      | ART UNIT            | PAPER NUMBER     |
| LOS ANGELES, CA 90025-1030              |             |                      | 3628                |                  |

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/007,838             |  | PATER ET AL.        |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Clement B. Graham      |  | 3628                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-23, are rejected under 35 U.S.C. 102(e) as being anticipated by Lamm 6, 078907)

As per claim 1, Lamm discloses an electronic payment system for a customer to direct payment over an electronic funds transfer network from an originating bank, comprising: means for receiving payment input data;

means for storing funds transfer static data; means for storing funds transfer status data. (see column 4 lines 9-59 and column 5-12 lines 1-67)

means for generating funds transfer data from the payment input data, the funds transfer static data, and the funds transfer status data; and

means for generating a funds transfer instruction from the funds transfer data, wherein the funds transfer data is appropriate to the originating bank and the electronic funds transfer network.(note abstract and see column 4 lines 9-59 and column 4-12 lines 1-67)

As per claim 2, Lamm discloses wherein the funds transfer instruction generating means is responsive to funds transfer business logic. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 3, Lamm discloses wherein the funds transfer static data comprises bank funds transfer information. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 4, Lamm discloses wherein the funds transfer static data comprises credit card funds transfer information. (see column 4 lines 9-59 and column 5-12 lines 1-67).

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As per claim 5, Lamm discloses wherein the customer provides the payment input data over the Internet from a personal computer. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 6, Lamm discloses wherein the personal computer sends the payment input data in response to a single action. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 7, Lamm discloses wherein the personal computer provides a payment button to send the payment input data at a single click of the payment button. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 8, Lamm discloses wherein the payment button appears on a merchant Web page. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 9, Lamm discloses wherein the payment button appears in an electronic wallet. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 10, Lamm discloses wherein the payment button provides a blank for the customer to enter a customer ID. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 11, Lamm discloses wherein the customer provides the payment input data over a wireless communications network. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 12, Lamm discloses wherein the customer provides the payment input data over a private communications network. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 13, Lamm discloses wherein the payment input data comprises customer identification, payment amount, and transaction date. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 14, Lamm discloses wherein the payment input data further comprises customer authentication information. (see column 4 lines 9-59 and column 5-12 lines 1-67).

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As per claim 15, Lamm discloses wherein the electronic funds transfer network is pre-determined. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 16, Lamm discloses wherein the electronic funds transfer network is selected from the group consisting of FEDWIRE, ACH, SWIFT, and CHIP. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 17, Lamm discloses an electronic payment method for a customer to direct payment over an electronic funds transfer network from an originating bank, comprising the steps of establishing funds transfer static data; completing a transaction to the point of payment; pushing a payment button to transmit payment input data; creating funds transfer status data(see column 4 lines 9-59 and column 5-12 lines 1-67). adding the funds transfer static data and the funds transfer status data to the payment input data to form funds transfer data; monitoring the funds transfer data and conditions to see if the transfer should be executed(see column 4 lines 9-59 and column 5-12 lines 1-67). waiting if the conditions are not met; extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface if the conditions are met; and sending the funds transfer instructions to the originating bank. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 18, Lamm discloses further comprising the step of authenticating the identity of the customer. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 19, Lamm discloses wherein the step of authenticating the identity of the customer further comprises the step of checking a personal identification number. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 20, Lamm discloses wherein the step of authenticating the identity of the customer further comprises the step of checking biometric information. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 21, Lamm discloses wherein the step of authenticating the identity of the customer further comprises the step of checking a software key. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 22, Lamm discloses a computer readable medium storing a computer program for electronic payment, the computer program comprising:  
computer readable code for establishing funds transfer static data; computer readable code for completing a transaction to the point of payment(see column 4 lines 9-59 and column 5-12 lines 1-67)  
computer readable code for pushing a payment button to transmit payment input data;  
computer readable code for creating funds transfer status data;  
computer readable code for adding the funds transfer static data and the ,  
funds transfer status data to the payment input data to form funds transfer data; computer readable code for monitoring the funds transfer data and conditions to see if the transfer should be executed(see column 4 lines 9-59 and column 5-12 lines 1-67).  
computer readable code for waiting if the conditions are not met;  
computer readable code for extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface if the conditions are met; and computer readable code for sending the funds transfer instructions to the originating bank. (see column 4 lines 9-59 and column 5-12 lines 1-67).

As per claim 23, Lamm discloses wherein the computer program further comprises computer readable code for authenticating the identity of the customer. (see column 4 lines 9-59 and column 5-12 lines 1-67).

### **Conclusion**

3 The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Brenrent (US 5,774,873 Patent ) teaches electronic online motor vehicle auction and information system.

Shintani (US Patent 5,668,591) teaches information terminal apparatus that is remotely programmed by radio waves and that displays input keys of program functions on a display.

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Brown (US Patent 5,794,219) teaches method of conducting an online auction with bid pooling.

4. Applicant's arguments filed 1/6/2006 has been fully considered but they are moot in view of new grounds of rejections.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

July 10, 2006



FRANTZY POINVIL  
PRIMARY EXAMINER